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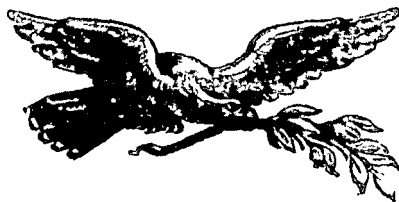
CONSTITUTION

AND

FORM OF GOVERNMENT

OF THE

State of Mississippi.



NATCHEZ:

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1822.

CONSTITUTION

OF THE

STATE OF MISSISSIPPI.

PREAMBLE.

WE, the Representatives of the people inhabiting the western part of the Mississippi Territory contained within the following limits, to wit: beginning on the river Mississippi at the point where the southern boundary line of the state of Tennessee strikes the same; thence east along the said boundary line to the Tennessee river; thence up the same to the mouth of Bear creek; thence by a direct line to the north west corner of the county of Washington; thence due south to the Gulf of Mexico; thence westwardly, including all islands within six leagues of the shore, to the most eastern junction of Pearl river with lake Borgne; thence up said river to the 31st degree of north latitude; thence west along the said degree of latitude to the river Mississippi; thence up the same to the beginning—

Assembled in Convention, at the town of Washington, on Monday the seventh day of July, in the year of our Lord one thousand eight hundred and seventeen, in pursuance of an

act of Congress, entitled "An act to enable the people of the western part of the Mississippi Territory to form a Constitutional and State Government, and for the admission of such State into the Union on an equal footing with the original States;" in order to secure to the citizens thereof the rights of life, liberty, and property; do ordain and establish the following Constitution and form of government, and do mutually agree with each other to form ourselves into a free and independent State, by the name of the "*State of Mississippi.*"

ARTICLE I.

Declaration of Rights.

That the general, great and essential principles of liberty and free government, may be recognised and established—*We declare:*

SEC. 1. That all freemen when they form a social compact are equal in rights; and that no man or set of men, are entitled to exclusive, separate public emoluments or privileges, from the community, but in consideration of public services.

SEC. 2. That all political power is inherent in the people, and all free governments are founded on their authority and instituted for their benefit; and therefore they have at all times an unalienable and indefeasible right to alter or abolish their form of government, in such manner as they may think expedient.

SEC. 3. The exercise and enjoyment of religious profession and worship, without discrimination, shall forever be free to all persons in this State: *Provided*, that the right hereby declared and established, shall not be so construed

as to excuse acts of licentiousness, or justify practices inconsistent with the peace and safety of this State.

SEC. 4. No preference shall ever be given by law to any religious sect, or mode of worship.

SEC. 5. That no person shall be molested for his opinions on any subject whatever, nor suffer any civil or political incapacity, or acquire any civil or political advantage, in consequence of such opinions except in cases provided for in this constitution.

SEC. 6. Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that liberty.

SEC. 7. No law shall ever be passed to curtail or restrain the liberty of speech or of the press.

SEC. 8. In all prosecutions or indictments for libels, the truth may be given in evidence, and the jury shall have the right to determine the law and the facts under the direction of the court.

SEC. 9. That the people shall be secure in their persons, houses, papers and possessions, from unreasonable seizures or searches; and that no warrant to search any place, or to seize any person or things, shall issue without describing them, as nearly as may be, nor without probable cause supported by oath or affirmation.

SEC. 10. That in all criminal prosecutions, the accused hath a right to be heard by himself and counsel, to demand the nature and cause of the accusation, to be confronted by the witnesses against him, to have compulsory process for obtaining witnesses in his favour; and in all prosecutions by indictment or information, a

speedy public trial by an impartial jury of the county; that he cannot be compelled to give evidence against himself, nor can he be deprived of his life, liberty, or property, but by due course of law.

SEC. 11. No person shall be accused, arrested or detained, except in cases ascertained by law, and according to the form which the same has prescribed; and no person shall be punished but in virtue of a law established and promulgated prior to the offence, and legally applied.

SEC. 12. That no person shall for any indictable offence, be proceeded against criminally by information except in cases arising in the land or naval forces, or in the militia when in actual service, or by leave of the court for misdemeanor in office.

SEC. 13. No person shall, for the same offence, be twice put in jeopardy of life or limb; nor shall any person's property be taken or applied to public use, without the consent of his representatives, and without just compensation being made therefor.

SEC. 14. That all courts shall be open, and every person, for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial, or delay.

SEC. 15. That no power of suspending laws shall be exercised, except by the legislature, or its authority.

SEC. 16. That excessive bail shall not be required, nor excessive fines imposed, nor cruel punishments inflicted.

SEC. 17. That all prisoners shall, before con

viction, be bailable by sufficient securities, except for capital offences, when the proof is evident or the presumption great; and the privilege of the writ of habeas corpus shall not be suspended, unless, when in case of rebellion or invasion, the public safety may require it.

SEC. 18. That the person of a debtor, where there is not a strong presumption of fraud, shall not be detained in prison, after delivering up his estate for the benefit of his creditors, in such manner as shall be prescribed by law.

SEC. 19. That no *ex post facto* law, nor law impairing the obligation of a contract, shall be made.

SEC. 20. That no person shall be attainted of treason or felony by the legislature.

SEC. 21. That the estates of suicides shall descend or vest as in cases of natural death; and if any person shall be killed by casualty, there shall be no forfeiture by reason thereof.

SEC. 22. That the citizens have a right in a peaceable manner, to assemble together for their common good, and to apply to those invested with the powers of government, for redress of grievances, or other proper purposes, by petition, address or remonstrance.

SEC. 23. Every citizen has a right to bear arms in defence of himself and of the State.

SEC. 24. No standing army shall be kept up without the consent of the legislature; and the military shall in all cases, and at all times, be in strict subordination to the civil power.

SEC. 25. That no soldier shall, in time of peace, be quartered in any house without the

consent of the owner, nor in time of war, but in a manner to be prescribed by law.

SEC. 26. That no hereditary emoluments, privileges, or honours, shall ever be granted or conferred in this State.

SEC. 27. No citizen of this State shall be exiled, or prevented from emigrating, under any pretence whatever.

SEC. 28. The right of trial by jury shall remain inviolate.

SEC. 29. No person shall be debarred from prosecuting or defending any civil cause, for or against him or herself, before any tribunal in this State, by him or herself, or counsel, or both.

CONCLUSION.

To guard against transgression of the high powers herein delegated, **WE DECLARE**, that every thing in this article is excepted out of the general powers of government, and shall forever remain inviolate, and that all laws contrary thereto, or to the following provisions, shall be void.

ARTICLE II.

Distribution of Powers.

SEC. 1. The powers of the government of the State of Mississippi shall be divided into three distinct departments, and each of them be confided to a separate body of Magistracy; to wit: those which are Legislative to one, those which are Executive to another, and those which are Judicial to another.

SEC. 2. No person or collection of persons, being of one of those departments, shall exercise

any power properly belonging to either of the others, except in the instances hereinafter expressly directed or permitted.

ARTICLE III.

Legislative Department.

SEC. 1. Every free white male person of the age of twenty-one years or upwards, who shall be a citizen of the United States, and shall have resided in this State one year next preceding an election, and the last six months within the county, city or town in which he offers to vote, and shall be enroled in the militia thereof, except exempted by law from military service; or having the aforesaid qualifications of citizenship and residence, shall have paid a State or county tax, shall be deemed a qualified elector; but no elector shall be entitled to vote except in the county, city or town (entitled to separate representation) in which he ~~may~~ reside at the time of the election.

SEC. 2. Electors shall, in all cases, except in those of treason, felony or breach of the peace, be privileged from arrest, during their attendance at elections, and in going to and returning from the same.

SEC. 3. The first election shall be by ballot, and all future elections, by the people, shall be regulated by law.

SEC. 4. The legislative power of this State shall be vested in two distinct branches; the one to be styled the Senate, and the other the House of Representatives; and both together "The General Assembly of the State of Mississippi."

And the style of their laws shall be "*Be it enacted by the Senate and House of Representatives of the State of Mississippi in General Assembly convened.*"

SEC. 5. The members of the House of Representatives shall be chosen by the qualified electors, and shall serve for the term of one year, from the day of the commencement of the general election, and no longer.

SEC. 6. The representatives shall be chosen every year on the first Monday and the day following in August.

SEC. 7. No person shall be a representative unless he be a citizen of the United States, and shall have been an inhabitant of this State two years next preceding his election, and the last year thereof a resident of the county, city or town for which he shall be chosen, and shall have attained to the age of twenty-two years; and also, unless he shall hold, in his own right, within this State, one hundred and fifty acres of land, or an interest in real estate of the value of five hundred dollars, at the time of his election, and for six months previous thereto.

SEC. 8. Elections for representatives for the several counties, shall be held at the places of holding their respective courts, or in the several election districts into which the legislature may divide any county: *Provided*, that when it shall appear to the legislature, that any city or town hath a number of free white inhabitants equal to the ratio then fixed, such city or town shall have a separate representation according to the number of free white inhabitants therein, which shall be retained so long as such city or town shall

contain a number of free white inhabitants equal to the existing ratio, and thereafter and during the existence of the right of separate representation in such city or town, elections for the county in which such city or town entitled to a separate representation is situated, shall not be held in such city or town. *And provided*, that if the residuum or fraction of any city or town entitled to separate representation shall, when added to the residuum in the county in which it may lie, be equal to the ratio fixed by law, for one representative, then the aforesaid county, city or town, having the largest residuum shall be entitled to such representation: *And provided also*, that when there are two or more counties adjoining, which have residuums over and above the ratio then fixed by law, if said residuums, when added together, will amount to such ratio, in that case one representative shall be added to that county having the largest residuum.

SEC. 9. The General Assembly shall, at their first meeting, and in the year 1820, and in not less than every three nor more than every five years thereafter, cause an enumeration to be made of all the free white inhabitants of the State; and the whole number of representatives shall, at the several periods of making such enumeration, be fixed by the General Assembly, and apportioned among the several counties, cities or towns entitled to separate representation, according to the number of free white inhabitants in each, and shall not be less than twenty-four nor greater than thirty-six, until the number of free white inhabitants shall be 800,000; and after that event, at such ratio that the whole number

of representatives shall never be less than thirty-six nor more than one hundred: *Provided however*, that each county shall always be entitled to at least one representative.

SEC. 10. The whole number of senators shall, at the several periods of making the enumeration before mentioned, be fixed by the General Assembly, and apportioned among the several districts to be established by law, according to the number of free white taxable inhabitants in each, and shall never be less than one-fourth nor more than one-third, of the whole number of representatives

SEC. 11. The senators shall be chosen by the qualified electors, for three years, and on their being convened in consequence of the first election, they shall be divided by lot from their respective districts into three classes, as nearly equal as can be. The seats of the senators of the first class shall be vacated at the expiration of the first year, and of the second class at the expiration of the second year, and of the third class at the expiration of the third year, so that one-third thereof may be annually chosen thereafter.

SEC. 12. Such mode of classifying new additional senators shall be observed, as will as nearly as possible preserve an equality of numbers in each class.

SEC. 13. When a senatorial district shall be composed of two or more counties, it shall not be entirely separated by any county belonging to another district; and no county shall be divided in forming a district.

SEC. 14. No person shall be a senator unless

he be a citizen of the United States, and shall have been an inhabitant of this State four years next preceding his election, and the last year thereof a resident of the district for which he shall be chosen, and shall have attained to the age of twenty-six years; and also, unless he shall hold, in his own right, within this State, three hundred acres of land, or an interest in real estate of the value of one thousand dollars, at the time of his election; and for six months previous thereto.

SEC. 15. The house of representatives when assembled, shall choose a speaker, and its other officers; and the senate shall choose its officers, except the president; and each house shall judge of the qualifications and elections of its own members, but a contested election shall be determined in such manner as shall be directed by law. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as each house may provide.

SEC. 16 Each house may determine the rules of its own proceedings, punish members for disorderly behaviour, and with the consent of two-thirds, expel a member; but not a second time for the same cause; and shall have all other powers necessary for a branch of the legislature of a free and independent State.

SEC. 17. Each house shall keep a Journal of its proceedings, and publish the same, excepting such parts as in its judgment may require secrecy; and the yeas and nays of the members of

either house, on any question, shall at the desire of any three members present, be entered on the Journals.

SEC. 18. When vacancies happen in either house, the governor, or the person exercising the powers of the governor, shall issue writs of election to fill such vacancies.

SEC. 19. Senators and representatives shall in all cases, except of treason, felony, or breach of the peace, be privileged from arrest during the session of the General Assembly, and in going to and returning from the same, allowing one day for every twenty miles such member may reside from the place at which the General Assembly is convened.

SEC. 20. Each house may punish, by imprisonment, during the session, any person not a member, for disrespectful or disorderly behaviour in its presence, or for obstructing any of its proceedings: *Provided*, such imprisonment shall not, at any one time, exceed forty-eight hours.

SEC. 21. The doors of each house shall be open, except on such occasions, as, in the opinion of the house, may require secrecy.

SEC. 22. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

SEC. 23. Bills may originate in either house, and be amended, altered or rejected by the other, but no bill shall have the force of a law, until on three several days, it be read in each house, and free discussion be allowed thereon, unless in cases of urgency, four-fifths of the house in which the bill shall be pending, may

deem it expedient to dispense with this rule; and every bill having passed both houses, shall be signed by the speaker and president of their respective houses.

SEC. 24. All bills for raising revenue shall originate in the house of representatives, but the senate may amend or reject them as other bills.

SEC. 25. Each member of the General Assembly shall receive from the public treasury, a compensation for his services, which may be increased or diminished by law; but no increase of compensation shall take effect during the session at which such increase shall have been made.

SEC. 26. No Senator or representative shall, during the term for which he shall have been elected, nor for one year thereafter, be appointed to any civil office of profit under this State, which shall have been created, or the emoluments of which shall have been increased, during such term; except such offices as may be filled by elections by the people, and no member of either house of the General Assembly shall, after the commencement of the first session of the legislature after his election, and during the remainder of the term for which he is elected, be eligible to any office or place, the appointment to which may be made in whole or in part by either branch of the General Assembly.

SEC. 27. No judge of any court of law or equity, secretary of state, attorney-general, clerk of any court of record, sheriff or collector, or any person holding a lucrative office under the United States (the office of post-master excepted) or this State, shall be eligible to

the General Assembly: *Provided*, that officers in the militia, to which there is attached no annual salary, or the office of the justice of the peace, or of the quorum, shall not be deemed lucrative.

SEC. 28. No person who hath heretofore been, or hereafter may be, a collector or holder of public monies, shall have a seat in either house of the General Assembly, until such person shall have accounted for, and paid into the treasury, all sums for which he may be accountable.

SEC. 29. The first election for senators and representatives shall be general throughout the State, and shall be held on the first Monday and Tuesday in September next; and thereafter, there shall be an annual election for senators to fill the places of those whose term of service may have expired.

SEC. 30. The first session of the General Assembly shall commence on the first Monday in October next, and shall be held at the city of Natchez, and thereafter at such place as may be directed by law; and thereafter the General Assembly shall meet on the first Monday in November in every year, and at no other period, unless directed by law, or provided for by this constitution.

ARTICLE IV.

Executive Department.

SEC. 1. The supreme executive power of this State shall be vested in a Governor, who shall be elected by the qualified electors, and shall hold his office for two years from the time of

his installation, and until his successors be duly qualified.

SEC. 2. The returns of every election for Governor, shall be sealed up and transmitted to the seat of government, directed to the secretary of state, who shall deliver them to the speaker of the house of representatives, at the next ensuing session of the General Assembly during the first week of which session, the said speaker shall open and publish them in the presence of both houses of the General Assembly. The person having the highest number of votes shall be Governor; but if two or more shall be equal and highest in votes, one of them shall be chosen Governor by the joint ballot of both houses.

Contested elections for Governor, shall be determined by both houses of the General Assembly, in such manner as shall be prescribed by law.

SEC. 3. The Governor shall be at least thirty years of age, shall have been a citizen of the United States for twenty years, shall have resided in this State at least five years next preceding the day of his election, and shall be seized in his own right of a freehold estate of six hundred acres of land, or of real estate of the value of two thousand dollars at the time of his election, and twelve months previous thereto.

SEC. 4. He shall, at stated times, receive a compensation for his services, which shall not be increased or diminished during the term for which he shall have been elected.

SEC. 5. He shall be commander in chief of the army and navy of this State, and of the militia,

except when they shall be called into the service of the United States.

Sec. 6. He may require information in writing from the officers of the executive department on any subject relating to the duties of their respective offices.

Sec. 7. He may on extraordinary occasions convene the General Assembly at the seat of government, or at a different place, if it shall have become, since the last adjournment, dangerous from an enemy, or from contagious disorders; and in case of disagreement between the two houses with respect to the time of adjournment, adjourn them to such time as he shall think proper, not beyond the day of the next annual meeting of the General Assembly.

Sec. 8. He shall from time to time, give to the General Assembly, information of the state of the government, and recommend to their consideration such measures as he shall deem expedient.

Sec. 9. He shall take care that the laws be faithfully executed.

Sec. 10. In all criminal and penal cases, except in those of treason and impeachment, he shall have power to grant reprieves and pardons, and remit fines and forfeitures, under such rules and regulations as shall be prescribed by law. In cases of treason he shall have power to grant reprieves and pardons, by and with the advice and consent of the senate, but may respite the sentence until the end of the next General Assembly,

Sec. 11. All commissions shall be in the name and by the authority of the State of Mississippi;

be sealed with the state seal, and signed by the Governor, and attested by the Secretary of State.

SEC. 12. There shall be a seal of this State, which shall be kept by the Governor and used by him officially, and shall be called the great seal of the State of Mississippi.

SEC. 13. When a vacancy shall happen in any office, during the recess of the General Assembly, the Governor shall have power to fill the same by granting a commission which shall expire at the end of the next session of the General Assembly, except in cases otherwise directed by this constitution.

SEC. 14. A secretary of state shall be appointed, who shall continue in office during the term of two years. He shall keep a fair register of all the official acts and proceedings of the Governor, and shall, when required, lay the same, and all papers, minutes and vouchers, relative thereto, before the General Assembly, and shall perform such other duties as may be required of him by law.

SEC. 15. Every bill which shall have passed both houses of the General Assembly, shall be presented to the Governor; if he approve, he shall sign it; but if not, he shall return it, with his objections, to the house in which it shall have originated, who shall enter the objections at large upon the journals, and proceed to reconsider it; if, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent with the objections to the other house, by which it shall likewise be reconsidered; if approved by two-thirds of that house, it

shall become a law: but in such case the votes of both houses shall be determined by yeas and nays, and the names of the members voting for and against the bill, shall be entered on the journals of each house respectively: if any bill shall not be returned by the Governor within six days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the General Assembly, by their adjournment, prevent its return, in which case it shall not be a law.

SEC. 16. Every order, resolution, or vote, to which the concurrence of both houses may be necessary, except on questions of adjournment, shall be presented to the Governor, and before it shall take effect be approved by him, or being disapproved, shall be repassed by both houses, according to the rules and limitations prescribed in the case of a bill.

SEC. 17. The appointment of all officers not otherwise directed by this constitution, shall be by the joint vote of both houses of the General Assembly; the votes shall be given *viva voce* and recorded in the public journal of each house: *Provided*, that the General Assembly be authorised to provide by law for the appointment of all inspectors, collectors and their deputies, surveyors of highways, constables, and such other inferior officers whose jurisdiction may be confined within the limits of the county.

SEC. 18. There shall be also a Lieutenant-Governor, who shall be chosen at every election for a governor, by the same persons, in the same manner, continue in office for the same time,

and possess the qualifications. In voting for Governor or Lieutenant-Governor, the electors shall distinguish whom they vote for as Governor, and whom as Lieutenant-Governor.

SEC. 19. The Lieutenant-Governor shall, by virtue of his office, be president of the senate; and have, when in committee of the whole, a right to debate and vote on all questions; and when the senate is equally divided to give the casting vote.

SEC. 20. In case of the death, resignation, refusal to serve, or removal from office of the Governor, or his impeachment or absence from the State, the Lieutenant-Governor shall exercise the powers and authority appertaining to the office of Governor, until another be chosen at the next periodical election for a Governor, and be duly qualified; or until the Governor impeached or absent shall be acquitted or return.

SEC. 21. Whenever the government shall be administered by the Lieutenant-Governor, or he shall be unable to attend as president of the senate, the senate shall elect one of their own members president *pro tempore*.

And if during the vacancy of the office of Governor, the Lieutenant-Governor shall die, resign, refuse to serve, or be removed from office, or if he be impeached or absent from the State, the president of the senate *pro tempore* shall, in like manner, administer the government until he shall be superseded by a Governor or Lieutenant-Governor. The Lieutenant-Governor shall, whilst he acts as president of the senate, receive for his services the same compensation which shall, for the same period, be allowed to

the speaker of the house of representatives, and no more; and during the time he administers the government as Governor, shall receive the same compensation which the Governor would have received had he been employed in the duties of his office, and no more.

SEC. 22. The president *pro tempore* of the senate shall, during the time he administers the government, receive in like manner, the same compensation which the Governor would have received, had he been employed in the duties of his office, and no more.

SEC. 23. If the Lieutenant-Governor shall be required to administer the government, and shall, whilst in such administration, die, resign, or be absent from the State, during the recess of the General Assembly, it shall be the duty of the secretary of state, for the time being, to convene the senate for the purpose of choosing a president *pro tempore*.

SEC. 24. A sheriff, and one or more coroners, shall be elected in each county, by the qualified electors thereof, who shall hold their offices for two years, unless sooner removed.

SEC. 25. A state treasurer and an auditor of public accounts, shall be annually appointed.

MILITIA.

SEC. 1. The General Assembly shall provide by law, for organizing and disciplining the militia of this State in such manner as they shall deem expedient, not incompatible with the constitution and laws of the United States in relation thereto.

SEC. 2. Officers of the militia shall be elected or appointed in such manner as the legislature

shall, from time to time direct, and shall be commissioned by the Governor.

SEC. 3. Those persons who conscientiously scruple to bear arms, shall not be compelled to do so, but shall pay an equivalent for personal service.

SEC. 4. The Governor shall have power to call forth the militia to execute the laws of the State, to suppress insurrections and repel invasions.

ARTICLE V.

Judicial Department.

SEC. 1. The Judicial power of this State shall be vested in one supreme court, and such superior and inferior courts of law and equity, as the legislature may, from time to time, direct and establish.

SEC. 2. There shall be appointed in this State not less than four nor more than eight judges of the supreme and superior courts, who shall receive for their services a compensation, which shall be fixed by law, and shall not be diminished during their continuance in office: *Provided*, that the judge, whose decision is under consideration in the supreme court, shall not constitute one of the court to determine the question on such decision, but it shall be the duty of such judge to report to the supreme court the reasons upon which his opinion was founded.

SEC. 3. The State shall be divided into convenient districts, and each district shall contain not less than three nor more than six counties. For each district there shall be appointed a judge, who shall, after his appointment, reside in the district for which he is appointed.

SEC. 4. The superior court shall have original jurisdiction in all matters civil and criminal within this State, but in civil cases, only where the matter or sum in controversy exceeds fifty dollars.

SEC. 5. A superior court shall be held in each county in the State, at least twice in every year. The judges of the several superior courts may hold courts for each other, when they may deem it expedient, or as they may be directed by law.

SEC. 6. The legislature shall have power to establish a court or courts of chancery with exclusive original equity jurisdiction, and until the establishment of such court or courts, the said jurisdiction shall be vested in the superior courts respectively.

SEC. 7. The legislature shall have power to establish in each county within the State, a court of probate, for the granting letters testamentary and of administration, for orphans' business, for county police and for the trial of slaves

SEC. 8. A competent number of justices of the peace shall be appointed in and for each county, in such mode, and for such term of office as the legislature may direct. Their jurisdiction in civil cases shall be limited to causes in which the amount in controversy shall not exceed fifty dollars. And in all cases tried by a justice of the peace, the right of appeal shall be secured, under such rules and regulations as shall be prescribed by law.

SEC. 9. The judges of the several courts of this State, shall hold their offices during good behaviour. And wilful neglect of duty, or other

reasonable cause, which shall not be sufficient ground for an impeachment, the Governor shall remove any of them on the address of two-thirds of each house of the General Assembly: *Provided however*, that the cause or causes for which such removal shall be required, shall be stated at length in such address, and on the journals of each house: *And provided further*, that the judge so intended to be removed, shall be notified and admitted to a hearing in his own defence, before any vote for such address shall pass.

SEC. 10. No person who shall have arrived at the age of sixty-five years, shall be appointed to, or continue in the office of judge in the State.

SEC. 11. Each court shall appoint its own clerk, who shall hold his office during good behaviour, but shall be removable therefrom for neglect of duty or misdemeanor in office, by the supreme court, which court shall determine both the law and the fact: *Provided*, that the clerk so appointed shall have been a resident of the county in which he is clerk at least six months previous to his appointment.

SEC. 12. The judges of the supreme and superior courts shall, by virtue of their office, be conservators of the peace throughout the State.

SEC. 13. The style of all process shall be "The State of Mississippi," and all prosecutions shall be carried on in the name and by the authority of "The State of Mississippi," and shall conclude "against the peace and dignity of the same."

SEC. 14. There shall be an attorney general for the State, and as many district attorneys as the General Assembly may deem necessary,

who shall hold their offices for the term of four years, and shall receive for their services a compensation, which shall not be diminished during their continuance in office.

IMPEACHMENTS.

SEC. 1. The house of representatives shall have the power of impeaching.

SEC. 2. All impeachments shall be tried by the senate: when sitting for that purpose the senators shall be on oath or affirmation: No person shall be convicted without the concurrence of two-thirds of the members present.

SEC. 3. The Governor, and all civil officers, shall be liable to impeachment for misdemeanor in office; but judgment, in such cases, shall not extend further than to removal from office, and disqualification to hold any office of honour, trust, or profit, under the State; but the party convicted shall, nevertheless, be liable and subject to indictment, trial and punishment, according to law, as in other cases.

ARTICLE VI.

General Provision.

SEC. 1. Members of the General Assembly, and all officers, executive and judicial, before they enter on the execution of their respective offices, shall take the following oath or affirmation, to wit; "I solemnly swear (or affirm as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Mississippi, so long as I continue a citizen thereof, and that I will faithfully discharge to the best of my abilities, the duties of the office of — according to law. So help me God,"

SEC. 2. The General Assembly shall have power to pass such penal laws to suppress the evil practice of duelling, extending to disqualification from office or the tenure thereof as they may deem expedient.

SEC. 3. Treason against the State shall consist only in levying war against it, or in adhering to its enemies, giving them aid or comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or his own confession in open court.

SEC. 4. Every person shall be disqualified from holding any office or place of honour or profit under the authority of this State, who shall be convicted of having given or offered any bribe to procure his election.

SEC. 5. Laws shall be made to exclude from office, and from suffrage, those who shall thereafter be convicted of bribery, perjury, forgery, or other high crimes or misdemeanors. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon, from bribery, tumult, or other improper conduct.

SEC. 6. No person who denies the being of a God, or a future state of rewards and punishments, shall hold any office in the civil department of this State.

SEC. 7. Ministers of the gospel being, by their profession, dedicated to God, and the care of souls, ought not to be diverted from the duties of their functions—Therefore, no minister of the gospel, or priest of any denomination whatever, shall be eligible to the office of Governor, Lieu-

tenant-Governor, or to a seat in either branch of the General Assembly.

SEC. 8. No money shall be drawn from the treasury but in consequence of an appropriation made by law—nor shall any appropriation of money, for the support of an army, be made for a longer term than one year; and a regular statement and account of the receipts and expenditures of all public money shall be published annually.

SEC. 9. No Bank shall be incorporated by the legislature without the reservation of a right to subscribe for in behalf of the State, at least one-fourth part of the capital stock thereof, and the appointment of a proportion of the directors, equal to the stock subscribed for.

SEC. 10. The General Assembly shall pass no law impairing the obligation of contracts, prior to the year 1821, on account of the rate of interest, fairly agreed on in writing between the contracting parties for a *bona fide* loan of money; but they shall have power to regulate the rate of interest where no special contract exists in relation thereto.

SEC. 11. The General Assembly shall direct by law, in what manner and in what courts, suits may be brought against the State.

SEC. 12. All officers of the State, the term of whose appointment is not otherwise directed by this constitution, shall hold their offices during good behaviour.

SEC. 13. Absence on business of this State, or on a visit, or necessary private business, shall not cause a forfeiture of a residence once obtained.

SEC. 14. It shall be the duty of the General Assembly to regulate by law, the cases in which deductions shall be made from the salaries of public officers for neglect of duty in their official capacity, and the amount of such deduction.

SEC. 15. No member of congress, nor any person holding any office of profit or trust under the United States, or either of them, the office of post-master excepted, or under any foreign power, shall hold or exercise any office of trust or profit under this State.

SEC. 16. Religion, morality, and knowledge, being necessary to good government, the preservation of liberty, and the happiness of mankind, schools, and the means of education shall, forever, be encouraged in this State.

SEC. 17. Divorces from the bonds of matrimony shall not be granted, but in cases provided for by law, by suit in chancery: *Provided*, that no decree, for such divorce, shall have effect until the same shall be sanctioned by two-thirds of both branches of the General Assembly.

SEC. 18. Returns of all elections by the people shall be made to the secretary of state.

SEC. 19. No new county shall be established by the General Assembly, which shall reduce the county or counties, or either of them, from which it may be taken, to a less content than five hundred and seventy-six square miles, nor shall any new county be laid off of less contents.

SEC. 20. The General Assembly shall take measures to preserve from unnecessary waste or damage, such lands as are, or may hereafter be granted by the United States for the use of schools, within each township in this State, and

apply the funds, which may be raised from such lands, by rent or lease, in strict conformity to the object of such grant; but no lands granted for the use of such township schools shall ever be sold by any authority in this State.

SLAVES.

Sec. 1. The General Assembly shall have no power to pass laws for the emancipation of slaves, without the consent of their owners, unless where a slave shall have rendered to the state some distinguished service, in which case the owner shall be paid a full equivalent for the slave so emancipated. They shall have no power to prevent emigrants, to this State, from bringing with them such persons as are deemed slaves by the laws of any one of the United States, so long as any person of the same age or description shall be continued in slavery by the laws of this State: *Provided*, that such person or slave be the *bona fide* property of such emigrants: *And provided also*, that laws may be passed to prohibit the introduction of slaves into the State, of slaves who may have committed high crimes in other states. They shall have power to pass laws to permit the owners of slaves to emancipate them, saving the rights of creditors, and preventing their becoming a public charge.—They shall have full power to prevent slaves from being brought into this State as merchandize—and also to oblige the owners of slaves to treat them with humanity; to provide for them necessary clothing and provisions; to abstain from all injuries to them extending to life or limb, or in case of their neglect or refusal to comply with the directions of such laws, to have such slave or

slaves sold for the benefit of the owner or owners.

SEC. 2. In the prosecution of slaves for crimes, no inquest, by a grand jury, shall be necessary, but the proceedings in such cases shall be regulated by law; except that, in capital cases, the General Assembly shall have no power to deprive them of an impartial trial by a petit jury.

MODE OF REVISING THE CONSTITUTION.

SEC. 1. Whenever two-thirds of the General Assembly shall deem it necessary to amend or change this Constitution, they shall recommend to the electors, at the next election for members of the General Assembly, to vote for or against a convention; and if it shall appear that a majority of the citizens of the State voting for representatives, have voted for a convention, the General Assembly shall, at their next session, call a convention, to consist of as many members as there may be in the General Assembly, to be chosen by the qualified electors, in the manner, and at the times and places of choosing members of the General Assembly; which convention shall meet within three months after the said election, for the purpose of revising, amending or changing the Constitution.

SCHEDULE.

SEC. That no inconvenience may arise from a change of territorial to a permanent state government, it is declared, that all rights, actions, prosecutions, claims, and contracts, as well of individuals, as of bodies corporate, shall continue as if no such change had taken place.

SEC. 2. All fines, penalties, forfeitures and escheats accruing to the Mississippi Territory,

within the limits of this State, shall enure to the use of the State.

Sec. 3. The validity of all bonds and recognizances executed to the Governor of the Mississippi territory, shall not be impaired by the change of government, but may be sued for and recovered in the name of the Governor of the State of Mississippi, and his successors in office; and all criminal or penal actions, arising or now depending within the limits of this State, shall be prosecuted to judgment and execution in the name of the said State. All causes of action, arising to individuals, and all suits at law or in equity, now depending in the several courts within the limits of this State, and not already barred by law, may be commenced in, or transferred to such court as may have jurisdiction thereof. Bonds, recognizances, and other papers and writings, properly belonging to the eastern section of the Mississippi territory, not comprized within the limits of this State, shall be transferred to the offices to which they severally belong.

Sec. 4. All officers, civil and military, now holding commissions under the authority of the United States, or of the Mississippi territory, within this State, shall continue to hold and exercise their respective offices under the authority of this State, until they shall be superseded under the authority of this constitution; and shall receive from the treasury of this State, the same compensation which they heretofore received for their services, in proportion to the time they shall be so employed. The Governor shall have power to fill vacancies, by commis-

sions to expire so soon as elections or appointments can be made to such office by the authority of this constitution.

SEC. 5. All laws and parts of laws now in force in the Mississippi territory, and not repugnant to the provisions of this constitution, shall continue and remain in force as the laws of this state, until they expire by their own limitation, or shall be altered or repealed by the legislature thereof.

SEC. 6. Every free white male person above the age of twenty-one years, who shall be a citizen of the United States, and resident in this State at the adoption of this constitution, shall be deemed a qualified elector at the first election to be held in this State, any thing in the constitution to the contrary notwithstanding.

SEC. 7. The president of this convention shall issue writs of election, directed to the sheriffs of the several counties, requiring them to cause an election to be held for a governor, lieutenant-governor, representative to the congress of the United States, members of the general assembly, and sheriffs of the respective counties, at the respective places of elections in said counties, except in the county of Warren; in which county the election shall be held at the court house, instead of the place provided by law, on the first Monday and the day following, in September next; which elections shall be conducted in the manner prescribed by the existing election laws of the Mississippi territory; and the said governor, lieutenant-governor, and members of the general assembly, then duly elected shall continue to discharge the duties of their respective

offices for the time prescribed by this constitution, and until their successors be duly qualified.

SEC. 8. Until the first enumeration shall be made, as directed by this constitution, the county of Warren shall be entitled to one representative; the county of Claiborne to two representatives; the county of Jefferson to two representatives; the county of Adams to four representatives; the county of Franklin to one representative; the county of Wilkinson to three representatives; the county of Amite to three representatives; the county of Pike to two representatives; the county of Lawrence to one representative; the county of Marion to one representative; the county of Hancock to one representative; the county of Green to one representative; the county of Wayne to one representative; the county of Jackson to one representative. The counties of Warren and Claiborne shall be entitled to one senator; the county of Adams to one senator; the county of Jefferson to one senator; the county of Wilkinson to one senator; the county of Amite to one senator; the counties of Franklin and Pike to one senator; the counties of Lawrence, Marion, and Hancock to one senator; the counties of Green, Wayne, and Jackson to one senator.

SEC. 9. The Governor may appoint and commission an additional judge, or one of the former judges of the superior court, whose commission shall expire so soon as appointments can be made under the constitution. It shall be the duty of the judge so appointed, or one of the former territorial judges, to hold superior courts in the counties of Jackson, Green, Wayne, and Hancock, heretofore prescribed by law: *Provid-*

ed, that if either of the former territorial judges, in addition to his duty in the western counties perform such duty and no additional judge be appointed, he shall receive an extra compensation proportioned to the amount of his salary and term of service rendered. If an additional judge be appointed, he shall receive the same compensation for his services as the other judges of the superior court.

SEC. 10. The sheriff of Warren county shall within ten days after the election, make return of the number of votes for senator, in his county, to the sheriff of Claiborne county, who shall be the returning officer for the district. The sheriff of Pike county shall, within ten days after the election, make return of the number of votes for senator in his county, to the sheriff of Franklin county, who shall be the returning officer for the district. The sheriffs of Hancock and Lawrence counties, shall within ten days after the election make return of the number of votes for senator in their respective counties to the sheriff of Marion county, who shall be the returning officer for the district. The sheriffs of Jackson and Wayne counties shall, within ten days after the election, make return of the number of votes for senator in their respective counties to the sheriff of Green county, who shall be the returning officer for the district.

ORDINANCE.

Whereas it is required by the act of Congress under which this convention is assembled, that certain provisions should be made by an ordinance of this convention:—THEREFORE, this convention, for and in behalf of the people in-

habiting this state, do ordain, agree, and declare, that they forever disclaim all right or title to the waste or unappropriated lands lying within the State of Mississippi, and that the same shall be and remain at the sole and entire disposition of the United States; and moreover, that each and every tract of land sold by Congress, shall be, and remain exempt from any tax laid by the order, or under the authority of this State, whether for state, county, township, parish, or other purposes whatever for the term of five years, from and after the respective days of sale thereof, and that the lands belonging to citizens of the United States, residing without this state shall never be taxed higher than the lands belonging to persons residing within the same; that no taxes shall be imposed on lands the property of the United States, and that the river Mississippi and the navigable rivers and waters leading into the same, or into the gulf of Mexico, shall be highways, and forever free, as well to the inhabitants of this State as to other citizens of the United States, without any duty, tax, impost, or toll therefor, imposed by this State:—And this ordinance is hereby declared irrevocable without the consent of the United States.

Done in Convention, at the town of Washington, the fifteenth day of August, in the year of our Lord one thousand eight hundred and seventeen, and in the forty-second year of the Independence of the United States.

DAVID HOLMES, *President.*

LOUIS WINSTON, *Secretary.*